

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13553 of National Savings and Trust Company as Sole Substituted Trustee of Alonzo O. Bliss Properties, as amended, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 4101.41 to continue to operate a parking lot and a variance from the prohibition against all day commuter parking (Paragraph 4101.413) in an SP-2 District at the premises 603-25 - 4th Street, N.W., (Square 530, Lots 802-804, 810, 7, 29 and 30).

HEARING DATE: October 14, 1981
DECISION DATE: November 4, 1981

FINDINGS OF FACT:

1. The subject property is located on the east side of 4th Street, N.W. between F and G Streets and is known as premises 603-25 4th Street, N.W. It is zoned SP-2.

2. The Board, in Order No. 12600, issued June 21, 1978, approved the continuation of the parking lot for a period of three years.

3. The subject lot is 19,980 square feet in area. It has a capacity of one hundred vehicles. The lot has an attendant. Its hours of operation are from 7 A.M. to 6:15 P.M.

4. The attendant testified that 100 percent of parking on this lot is all-day parking. He further testified that the subject property is located within the Judiciary Square area and is approximately 600 feet from the Judiciary Square Metrorail station. The lot is surrounded by local court and other governmental office buildings. The nearest retail facility is the Hecht Co. which is approximately two blocks to the west of the site. There are no residences in the immediate area. There are no small retail stores that would generate short-term parking.

5. The applicant has no immediate plans to develop this site. The applicant owns sufficient land to develop the site and as a trustee plans to do so when the financial situation is more conducive to development. No contracts have yet been consummated.

6. The lot is cleaned daily. The applicant testified that he has received no complaints about the operation or maintenance of this lot.

7. The lot is available for use by the Holy Rosary Church when the lot closes at night and during the weekends. It is an unsecured lot.

8. At the public hearing of October 14, 1981, the application was amended to include Lot 8. This lot was included in the previous application, No. 12600, but was not advertised in the public hearing notice in the subject case.

9. Advisory Neighborhood Commission 2C made no recommendation on this application.

10. The record was left open at the public hearing for the submission of a report from the Department of Transportation. The D.C. Department of Transportation, by memorandum dated October 26, 1981, recommended that this lot be approved for four years, with the condition that it be used for short-term parking and that the public space abutting the lot be cleaned and maintained. The DOT noted that accessibility by transit has improved only marginally in this area since the prior Board's approval of the parking facility.

11. The Board at the public hearing left the record open for the National Capital Planning Commission to submit a written report. The National Capital Planning Commission, by letter dated October 15, 1981, suggested that, if approved, the continuation of this lot should be for a short period of time so as not to inhibit or preclude development of this square in accordance with the Judiciary Square Master Development Plan.

12. There was no opposition to the application at the public hearing.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires proof of compliance with Paragraph 4101.41 of the Zoning Regulations. The Board notes the location of the lot and the absence of any adjoining or surrounding residential properties in the immediate vicinity. The Board is of the opinion that this parking facility will not create any dangerous or otherwise objectionable traffic conditions. The Board concludes that the continuation of this lot for a period of two years will not adversely affect the present character and future development of the neighborhood. The Board finds that the

lot is reasonably necessary and convenient to other uses in the vicinity.

As to the variance from all-day commuter parking, The Board concludes that such a variance is a use variance, the granting of which requires a showing of an undue hardship arising out of the property. The Board concludes based on finding of fact No. 4 that this variance can be granted. The Board further concludes that the requested relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. Accordingly it is ORDERED that the application is GRANTED subject to the following CONDITIONS:

- A. Approval shall be for a period of TWO YEARS from the date of expiration of the previous certificate of occupancy, namely, June 21, 1891.
- B. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- C. Bumper or wheel stops shall be erected and maintained for the protection of all adjoining buildings.
- D. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space. The applicant shall keep the public area adjoining the parking lot free of refuse and debris.
- E. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- F. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
- G. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 4-0 (Charles R. Norris, Douglas J. Patton and

Connie Fortune to grant; William F. McIntosh to grant by proxy; Walter B. Lewis not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: APR 14 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.